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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,512	05/23/2001	Yasushi Ueda	02-050	7215

23400 7590 06/27/2002

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WASHINGTON, DC 20036

EXAMINER

NGUYEN, TRAN N

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,512

Applicant(s)

UEDA, YASUSHI

Examiner

Tran N. Nguyen

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the **first paragraph of 35 U.S.C. 112**:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 7 and 14** are rejected under **35 U.S.C. 112, first paragraph**, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claims 7 and 14, the recitation “the outer yoke is constructed such that a space is present between said tongue and said groove when said dynamo-electric machine main body is not fitted within the outer yoke, said space being substantially eliminated when said main body is fitted within said outer yoke” contains subject matter which not described in the specification in such way to enable an artisan to which it pertains because as shown in figure 1, there is a space, i.e., an air gap between the tongues (8) and the grooves (9), when the main body is fitted within the outer yoke, the outer yoke expanded radially outwardly. At the same time while the outer yoke expanding radially outwardly, each tongue (8) and corresponding

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grooves (9) are respectively pulled in opposite directions (as shown by arrows in figure 1).

This makes the space between the respective tongues and grooves being wider instead of being eliminated.

3. **Claims 1-15** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Among claims 1-15, "**plate material**" is indefinite because it's unclear what is the so-called "plate material"? A material is a substance that is either metal or non-metal. Within metal material, there are non-magnetic metal materials and magnetic metal materials. Within non-metal material there are organic non-metal materials and organic non-metal materials. Thus, simply recite "plate material" is vague.

In claims 2 and 10, "**more tightly**" is a comparative term but it is unclear more tightly than what?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-3, 5-6, 8 and 9-11, 13 and 15** are rejected under 35 U.S.C. 102(b) as being fully anticipated by Schmitt et al (US 4309815).

Schmitt discloses an outer yoke for a dynamoelectric machine comprising: an inner yoke (3) (which is also read as housing in claim 9); an outer yoke (5) made from a plate sheet of material, wherein the sheet of metal plate having two ends respectively

formed with at least one pair of tongue and groove (4, 6), the outer yoke is formed into a cylindrical shape by engaging the tongue and the groove (4, 6); and the outer yoke (5) expanded radially outwardly when the inner-yoke/housing (3) is fitted within the outer yoke (5); the inner-yoke/housing and the outer yoke so tightly in contact that there is no gap between the inner-yoke/housing and the outer yoke. Schmitt discloses that the tongue and the grooves are dovetail shape and are shown (in fig 1) to have a decreasing width that decreases toward the edge of one end of the plate metal sheet that forms the outer yoke.

Regarding a recited rotor, as in claim 1, Schmitt disclose a motor comprising: a housing with permanent magnet stator. In a motor a rotor is inherently present in order for the motor to functionally operate.

Regarding the limitations of the connection between the groove and the tongue is slightly deformed when the dynamo-electric machine main body is fitted within the outer yoke, inherently the Schmitt's outer yoke (5) tightly inserted on the outer circumferential surface of the inner yoke/housing (3) would slightly deform connection between the grooves and the tongues. Schmitt discloses that the two yokes are so tightly fitted and tightly in contact that there is no gap therebetween. Therefore, in order for the inner yoke to be so snugly fitted within the outer yoke that there is no gap between the two yokes, the outer yoke would have to be expanded radially outward in order to snugly accommodate the inner yoke therein. This radially expanding outward of the outer yoke would inherently deform the connection between the grooves and the tongues.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 4 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt et al, as applied in the rejections against the base claims, and further in view of level of ordinary skills of a worker in the art.

Schmitt discloses the claimed invention, except for the added limitations of the tongue's and the groove's configurations, as recited in claims 4, 8, 12 and 15.

Regarding the size of the groove is slightly larger than the size of the tongue and a clearance is present therebetween when the tongue is engage with the groove, Schmitt's outer yoke groove obviously is slightly larger than the Schmitt's outer yoke tongue in order for the tongue to fit within the groove to securely engage with the groove. Regarding the clearance therebetween the groove and the tongue, and the tongue Schmitt does not discloses a clearance as claimed. However, it would have been obvious to one skilled in the art to apply the Schmitt's essential teaching of embodying grooves and tongues with a modification in size, i.e., configure the tongue with a slight smaller size than the groove so that there would be a clearance therebetween. This would facilitate the process of inserting the tongue into the groove. This is simply a change in size of the tongue.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the Schmitt outer yoke's tongue to be smaller than the groove in

order to have a clearance therebetween. This would facilitate the inserting process to abut the tongues within the grooves. Furthermore, a change in size or shape is generally recognized as being within the level of ordinary skill in the art. ***In re Rose*, 105 USPQ 237 (CCPA 1955)** (emphasis added).

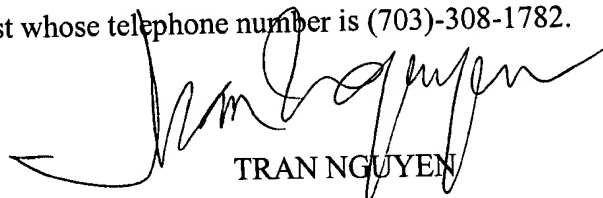
6. ***No prior-art rejection against claim 7 and 14*** due to the rejection under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-395-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.



TRAN NGUYEN

PRIMARY PATENT EXAMINER

TC-2800